



W.P.No.27446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

CORAM

THE HON'BLE Dr.JUSTICE M.NIRMAL KUMAR

W.P.No.27446 of 2024

Thangapandian

... Petitioner

Vs.

1.The District Revenue Officer,  
Gudiyatham,  
Vellore District.

2.The Inspector of Police,  
Civil Supplies CID-Chennai,  
Vellore.  
In Crime No.126/2022.

... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to forthwith release the petitioner's lorry bearing registration No.AP 21 TT 6577 from their custody which was seized by the first respondent and hand over the vehicle custody to the second respondent dated 14.06.2022 in connection with Crime No.126 of 2022.

For Petitioner : Ms.V.Pavel

For Respondents : Mr.S.Udayakumar  
Government Advocate (Crl.Side)



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### ORDER

This writ petition is filed to direct the respondents to direct the second respondent herein to forthwith release the petitioner's lorry bearing registration No.AP 21 TT 6577 from their custody which was seized by the first respondent.

2.The contention of the learned counsel for the petitioner, a member of Metal Scrap Trading Company purchased a lorry bearing registration No.AP 21 TT 6577 from K.Ravi on 14.06.2022. The petitioner had also got the approval of the hypothecated Company. Subsequently, original RC Book, Form 29, Transfer of ownership was executed in favour of the petitioner. The lorry was seized by the first respondent and handed over to the second respondent in connection with Crime No.126 of 2022 for the offence under Section 6(4) of TNSC (RDCS) Order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 dated 14.06.2022 on the allegation that the lorry was involved in transportation of PDS rice. The petitioner purchased the above vehicle under an agreement dated 14.06.2022 and the petitioner has no role in the above illegal transportation of PDS rice.



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The vehicle is now kept in hot sun, under rain and shine and it is kept in open yard, due to which the vehicle is losing its value. She would submit that till date, no confiscation proceedings initiated. Since the petitioner has now become the owner of the vehicle and no confiscation proceedings can be initiated, hence prayed for the vehicle to be handed over to him. She further submitted that a representation was given on 27.08.2024 to the first respondent in this regard. In support of her contention, the learned counsel for the petitioner produced the buyer registration details, Form 29, RC book registration, Insurance Policy and the Letter of No Objection from K.Ravi Kanniappan in whose name the vehicle stands.

3.The learned Government Advocate (Crl. Side) submitted that the petitioner knowing about the pendency of the confiscation proceedings purchased the vehicle. He would submit that this writ petition cannot be entertained for the reason that the petitioner is not the owner of the vehicle and the RC book contains the name of K.Ravi. Further, the lorry bearing registration No.AP 21 TT 6577 was found transporting 350 bags of PDS rice and the same was seized on 13.06.2022. He further submitted that the



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Inspector of Police, CSCID, Vellore requested the District Revenue Officer, Vellore in C.No.97/CSCID/Vellore dated 17.06.2022 to take steps to bring the lorry for public auction.

4.Considering the submissions made, the first respondent directed to dispose of the petitioner's representation dated 27.08.2024 within a period of three weeks from the date of receipt of a copy of this order. Further, confiscation proceedings is to be completed within a period of four weeks and the petitioner is free to participate in the confiscation proceedings, if so desired.

5.With the above direction, the writ petition stands disposed of.  
No costs.

18.09.2024

Index: Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation : Yes/No  
*cse*



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Gudiyatham,  
Vellore District.
- 2.The Inspector of Police,  
Civil Supplies CID-Chennai,  
Vellore.  
In Crime No.126/2022.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai



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M.NIRMAL KUMAR, J.

*cse*

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